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TO: Commissioner for Patents

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ART GROUP NO.: 3634

FROM: ☐ Jeffrey A. Proehl ☒ Wanita Jacobsma  
☐ Denise Moani Nelson

RE: Appln. No. 10/665,681 Filing Date: September 18, 2003  
Applicant: Walter Lockhart

Enclosed: Renewed Petition to Revive an Unintentionally Abandoned Application  
Issue Fee Transmittal Document PTOL-85; copy of Decision on Petition

Total Number of Pages (Including cover sheet): 6 (Please call us as soon as possible if you do not receive all pages).

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SEP 05 2007

Attorney Docket No. 23-0349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
In re Application of: WALTER LOCKHART )  
Serial No: 10/665,681 )  
Filed: 9/18/2003 )  
For: EMERGENCY LADDER SYSTEM )  
Examiner: Bruce A. Lev )  
Group Art Unit: 3634 )  
Issue Batch No.: 6255 )

Box DAC

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Washington, D. C. 20231

**RENEWED PETITION TO REVIVE  
AN UNINTENTIONALLY ABANDONED APPLICATION  
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(B)**

The above-identified application became abandoned for failure to file a timely and proper response to the "Notice of Allowance and Issue Fee Due" mailed on July 17, 2006, which set a three month shortened statutory period for submitting the Issue Fee to the Patent and Trademark Office. The abandonment date of this application was October 18, 2006.

The petition to revive was mailed on March 6, 2007. The petition was dismissed in a decision dated July 26, 2007 on the basis that the Issue Fee Transmittal document had not been submitted. Please consider this renewed petition to revive with the completed Issue Fee Transmittal document enclosed. Petition fee and issue fees were previously paid on March 6, 2007.

Granting of this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Date: SEPT. 4, 2007

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JUL 26 2007

OFFICE OF PETITIONS

In re Application of  
LOCKHART  
Application No.: 10/665,681  
Filing Date: September 18, 2003  
Attorney Docket No.: 23-0349

DECISION ON PETITION  
UNDER 37 CFR 1.137(B)

This is a decision on the petition under 37 CFR 1.137(b), filed March 6, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed July 17, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on October 18, 2006.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

The instant petition does not satisfy requirement (1) above. Specifically, "PART B - FEES(S) TRANSMITTAL" or its equivalent has not been submitted. See Notice of Allowance, "How to Reply to This Notice", Section II.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Application Number: 10/665,681

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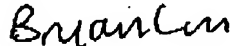
Further correspondence with respect to this matter should be addressed as follows:

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By fax:                (571) 273-8300  
                          ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.



Bryan Lin  
Legal Examiner  
Office of the Deputy Commissioner  
for Patent Examination Policy